

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 2:23-cv-14279-KMM

MELISSA PRATT,

Plaintiff,

v.

SANTANDER CONSUMER FINANCE,

Defendant.

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**ORDER ON REPORT AND RECOMMENDATION**

THIS CAUSE came before the Court upon Defendant Santander Consumer Finance's Motion to Compel Arbitration. ("Mot.") (ECF No. 8). The Court referred the matter to the Honorable Ryon M. McCabe, United States Magistrate Judge, who issued a Report and Recommendation recommending that the Motion be GRANTED. ("R&R") (ECF No. 15). Plaintiff did not file objections and the time to do so has passed. The matter is now ripe for review. As set forth below, the Court ADOPTS the R&R.

This is a *pro se* action against Santander Consumer Finance ("Defendant"), alleging claims under the Fair Credit Reporting Act, the Gramm-Leach-Bailey Act, and Florida common law, all stemming from a loan that Plaintiff took to purchase a car. R&R at 1. In the Motion, Defendant seeks to compel Plaintiff to arbitrate her claims because Plaintiff's claims are all within the scope of the arbitration provision contained within an Extension Agreement ("Arbitration Agreement") that Plaintiff signed after Defendant took over her loan. Mot. at 2–3.


The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). As set forth in the R&R, Magistrate Judge McCabe finds that an arbitration agreement exists

between the Parties by way of the Extension Agreement, and that Plaintiff's complaint falls squarely within the Arbitration Agreement. R&R at 4. Therefore, Magistrate Judge McCabe recommends that the Motion be granted, Plaintiff should be compelled to arbitrate her claims against Defendant, and this case should be dismissed without prejudice. *Id.* at 6. This Court agrees.

Accordingly, UPON CONSIDERATION of the Motion, the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that:

1. Magistrate Judge McCabe's Report and Recommendation (ECF No. 15) is ADOPTED;
2. Defendant's Motion to Compel Arbitration (ECF No. 8) is GRANTED;
3. The parties shall submit all claims asserted in the Complaint (ECF No. 1) to arbitration in accordance with the Arbitration Agreement;
4. This case is DISMISSED WITHOUT PREJUDICE;
5. The Clerk of Court is INSTRUCTED to CLOSE this case; and
6. All pending motions, if any, are DENIED AS MOOT.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of October, 2023.



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K. MICHAEL MOORE  
CHIEF UNITED STATES DISTRICT JUDGE

c: All counsel of record